
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 538 Session of
2005

INTRODUCED BY TOMLINSON, ORIE, ERICKSON, COSTA, RAFFERTY, STOUT
AND KITCHEN, MARCH 30, 2005

REFERRED TO LABOR AND INDUSTRY, MARCH 30, 2005

AN ACT

1 Regulating child labor; conferring powers and duties on the
2 Department of Labor and Industry and the Department of
3 Education; imposing penalties; and making a repeal.

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7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Short title.

10 This act shall be known and may be cited as the Child Labor
11 Act.

12 Section 2. Legislative intent.

13 In the interest of ensuring that there is a clear set of
14 standards for employers to follow in the employment of children
15 under 18 years of age, the General Assembly recognizes that the
16 current law in this area must be updated and, in order to avoid
17 confusion, must be as consistent as possible with Federal
18 standards. This act is intended to update the Commonwealth's
19 laws regulating the employment of children under 18 years of
20 age, and it is intended to promulgate standards which are
21 consistent as possible with regulations promulgated pursuant to
22 the Fair Labor Standards Act which regulate the employment of
23 children under 18 years of age.

24 Section 3. Definitions.

25 The following words and phrases when used in this act shall
26 have the meanings given to them in this section unless the
27 context clearly indicates otherwise:

28 "Department." The Department of Labor and Industry of the
29 Commonwealth.

30 "Employer." A person that employs a minor.

1 "Enforcement officer." Any of the following:

2 (1) The Secretary of Labor and Industry, a designee who
3 is an employee of the Department of Labor and Industry or an
4 attorney of the Office of General Counsel who is assigned to
5 the department.

6 (2) A chief school administrator.

7 (3) A home and school visitor.

8 (4) An attendance officer appointed under section 1342
9 of the act of March 10, 1949 (P.L.30, No.14), known as the
10 Public School Code of 1949.

11 (5) An issuing officer.

12 (6) A law enforcement officer.

13 "Establishment." A place within this Commonwealth where work
14 is done for compensation of any kind.

15 "Fair Labor Standards Act." The Fair Labor Standards Act of
16 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.).

17 "Hours of employment." Hours outside school hours
18 established by the appropriate school district.

19 "Issuing officer." One of the following:

20 (1) A district superintendent or supervising principal
21 of a public school district or, if a public school district
22 does not have a district superintendent or supervising
23 principal, the secretary of the board of school directors of
24 the district.

25 (2) An individual authorized in writing by the
26 appropriate individual under paragraph (1) to issue a
27 certificate or permit.

28 "Minor." An individual under 18 years of age.

29 "Person." The Commonwealth, any political subdivision or
30 instrumentality or authority of a political subdivision, an

1 individual, a partnership, a corporation, a nonprofit
2 corporation or an unincorporated association.

3 "Regular school week." The five days beginning with Monday
4 through Friday in which school is in session.

5 "Secretary." The Secretary of Labor and Industry of the
6 Commonwealth.

7 "Volunteer emergency service organization." A volunteer fire
8 company, volunteer ambulance organization, volunteer rescue
9 organization or a volunteer forest firefighting organization.

10 "Work permit." A transferable work permit entitling a minor
11 to employment.

12 "Youth peddling." The selling of goods or services by minors
13 to customers at residences, places of business or public places,
14 including street corners, roadway medians, sports and performing
15 arts facilities and public transportation stations. The term
16 includes sales from vehicles or the placement of advertisements
17 or literature outside of fixed retail locations. The term does
18 not include any of the following:

19 (1) Minors who sell products, goods or services as
20 volunteers without compensation on behalf of nonprofit
21 organizations, including organizations that:

22 (i) qualify as nonprofit under section 501(c)(3) of
23 the Internal Revenue Code of 1986 (Public Law 99-514, 26
24 U.S.C. § 501(c)(3)); and

25 (ii) meet the registration requirements established
26 by regulations of the Commonwealth.

27 (2) Minors engaged in the delivery of newspapers to
28 consumers at residences or place of business.

29 (3) Minors employed at fixed retail locations in
30 compliance with the provisions of the Fair Labor Standards

1 Act.

2 (4) Minors who:

3 (i) sell products, goods or services under the
4 immediate supervision of a parent or legal guardian; and

5 (ii) do not reside away from their home while
6 engaged in the sales activity.

7 (5) Minors engaged in fundraising activities on behalf
8 of their school or school-related activities.

9 Section 4. General limitations on employment of minors.

10 (a) Rest break.--No minor may be employed for more than five
11 hours continuously without an interval of at least 30 minutes
12 for a rest break. No period of less than 30 minutes shall be
13 deemed to interrupt a continuous period of work.

14 (b) Consecutive days.--

15 (1) Except as otherwise provided for in paragraph (2), a
16 minor may not be employed for more than six consecutive days
17 in a single week.

18 (2) A minor who is engaged in newspaper delivery may be
19 employed for seven consecutive days in a single week.

20 (c) Establishments.--Minors may not be employed in the
21 following establishments:

22 (1) Billiard rooms.

23 (2) Except as set forth in section 6(a)(2) (relating to
24 employment of minors under 16 years of age) or 7(c) (relating
25 to employment of minors 16 years of age or older),
26 establishments where alcoholic beverages are produced, sold
27 or dispensed.

28 (3) Establishments determined by the department, through
29 regulation, to be hazardous to minors or injurious to health
30 or morals of minors.

1 (d) Prohibited employment.--Unless otherwise permitted by
2 this act, a minor shall not be employed:

3 (1) In any occupation designated as hazardous and
4 otherwise prohibited under the Fair Labor Standards Act and
5 regulations under that act.

6 (2) In any occupation designated as hazardous and
7 otherwise prohibited by the secretary in regulations
8 promulgated under this act.

9 Section 5. Employment of minors under 14 years of age.

10 (a) General limitations.--Except as set forth in subsection
11 (b) or in section 8 (relating to employment of minors as
12 performers in theater or film productions), no minor under 14
13 years of age may be employed.

14 (b) Exceptions.--Irrespective of the limitations set forth
15 in subsection (a), a minor under 14 years of age may be employed
16 as follows:

17 (1) A minor who is at least 12 years of age may be
18 employed as a caddy subject to the following limitations:

19 (i) The minor may not carry more than one golf bag
20 at a time.

21 (ii) Employment may not be for more than 18 holes of
22 golf in a single day.

23 (2) A minor who is at least 11 years of age may engage
24 in the delivery of newspapers as set forth under section
25 6(c)(2) (relating to employment of minors under 16 years of
26 age).

27 Section 6. Employment of minors under 16 years of age.

28 (a) Permitted employment.--

29 (1) Minors who are under 16 years of age may be employed
30 in occupations not prohibited under section 4(d) (relating to

1 general limitations on employment of minors).

2 (2) Irrespective of the limitation in section 4(c)(2), a
3 minor under 16 years of age may be employed at a ski resort,
4 bowling alley, golf course or amusement park where alcoholic
5 beverages are served as long as the minor is not permitted to
6 handle or serve the beverages and is not employed in a room
7 where the beverages are stored or served.

8 (3) A minor under 16 years of age may not be employed in
9 or permitted to conduct youth peddling.

10 (b) Hours of employment.--Except as set forth in subsection
11 (c), hours of employment for minors under 16 years of age shall
12 be limited as follows:

13 (1) Subject to regulations under section 12(a)(2)
14 (relating to administration), the minor may not be employed
15 before 7 a.m. or after 7 p.m., except that, during the school
16 vacation period from June to Labor Day, a minor shall be
17 permitted to be employed until 9 p.m.

18 (2) The minor may not be employed for more than three
19 hours on a school day nor more than eight hours on a
20 nonschool day.

21 (3) The minor may not be employed for more than 18 hours
22 during a week school is in session.

23 (4) The minor may not be employed for more than 40 hours
24 a week when school is not in session.

25 (c) Exceptions.--The following exceptions apply to the
26 prohibitions of subsection (b):

27 (1) Poultry farms.--Minors who are at least 14 years of
28 age or older may be employed until 10 p.m. on a farm by a
29 person other than the farmer in the hatching, raising or
30 harvesting of poultry as long as the minor is not working in

1 an agricultural occupation declared hazardous by the United
2 States Secretary of Labor.

3 (2) Newspaper/periodical delivery.--

4 (i) Minors who are at least 11 years of age may be
5 employed in the delivery and street sale of newspapers
6 after 5 a.m. and before 8 p.m., or until 9 p.m. as set
7 forth in subsection (b)(1).

8 (ii) This paragraph does not apply to the hauling of
9 newspapers to drop centers or distribution centers or
10 other related activities.

11 Section 7. Employment of minors 16 years of age or older.

12 (a) Permitted employment.--Minors who are at least 16 years
13 of age may be employed in occupations not prohibited under
14 section 4(d) (relating to general limitations on employment of
15 minors).

16 (b) Hours of employment.--

17 (1) Except as set forth in paragraph (2), hours of
18 employment for minors at least 16 years of age shall be
19 limited as follows:

20 (i) The minor may not be employed for more than 48
21 hours in a single week.

22 (ii) The minor may not be employed for more than
23 eight hours in a single day.

24 (iii) The minor may not be employed for more than 28
25 hours during a regular school week.

26 (iv) The minor may not be employed between the hours
27 of 12 midnight and 6 a.m. on a school day, except that
28 the minor may be employed until 1 a.m. on an evening
29 before a nonschool day and after 5 a.m. if engaged in the
30 delivery or street sale of newspapers.

1 (2) This subsection does not apply to a minor who:
2 (i) is a high school graduate; or
3 (ii) is exempt from compulsory school attendance
4 requirements under section 1330(1) of the act of March
5 10, 1949 (P.L.30, No.14), known as the Public School Code
6 of 1949.

7 (c) Employment in motels, clubs and restaurants in which
8 liquor is present.--Irrespective of the general limitation
9 delineated in section 4(c)(2), a minor who is at least 16 years
10 of age may be employed as follows in a motel, club or restaurant
11 in which liquor is present:

12 (1) The minor may be employed in that part of the
13 establishment in which alcoholic beverages are not served.

14 (2) The minor may be employed to serve food, clear
15 tables and perform other duties in a licensed establishment
16 whose sales of food and nonalcoholic beverages are equal to
17 at least 40% of the combined gross sales of both food and
18 alcoholic beverages, if duties do not include the dispensing
19 or serving of alcoholic beverages. Before employing a minor
20 under this paragraph, an establishment licensed by the
21 Pennsylvania Liquor Control Board must furnish to the issuing
22 officer a certification that, for a period of not less than
23 90 days during the 12 months immediately preceding the date
24 of application, the establishment met the 40% threshold of
25 this paragraph in conformity with the regulations of the
26 board governing the sale of alcoholic beverages on Sunday.

27 (d) Employment of minors in religious or scout organization
28 summer camps or retreats.--A minor at least 16 years of age who
29 is employed during the months of June, July, August or September
30 by a summer resident camp or a conference or retreat operated by

1 a religious or scout organization shall receive 24 consecutive
2 hours of rest, during every seven-day period. This subsection
3 does not apply to a minor employed primarily for general
4 maintenance work or food service activities.

5 Section 8. Employment of minors as performers in theater or
6 film productions.

7 (a) Authorization.--A minor may be employed in a theatrical
8 production, a musical recital or concert, an entertainment act,
9 modeling, radio, television, motion picture making or a similar
10 form or medium of entertainment if all of the following apply:

11 (1) Except as set forth in subsection (b)(4), the minor
12 has an entertainment permit from the department.

13 (2) The performance is not hazardous to the minor's
14 safety or well-being.

15 (3) The minor does not perform after midnight.

16 (4) No alcoholic beverages are sold or dispensed during
17 the performance.

18 (5) The minor does not appear in more than:

19 (i) three performances in a single day; or

20 (ii) ten performances in a single week.

21 (6) For rehearsals for performances, length of time and
22 hours of starting and finishing rehearsals added to
23 performance duties are not such as to be injurious or harmful
24 to the minor.

25 (b) Entertainment permits.--

26 (1) The department may issue an entertainment permit to
27 a minor to be employed in a theatrical production, a musical
28 recital or concert, an entertainment act, modeling, radio,
29 television, motion picture making or a similar form or medium
30 of entertainment. The entertainment permit shall insure

1 compliance with subsection (a)(2) through (6).

2 (2) The department may issue an entertainment permit to
3 a minor for temporary employment as part of the performing
4 cast in the production of motion pictures or television
5 programming as follows:

6 (i) The department must determine that adequate
7 provision has been made for the minor's educational
8 instruction, supervision, health and welfare.

9 (ii) Unless the department determines that more
10 restrictive conditions are necessary, an entertainment
11 permit under this paragraph shall authorize a minor to
12 work as part of the performing cast for no more than 44
13 hours in a single week nor eight hours in a single day.
14 Time spent on the set or on location while on call shall
15 be excluded from any calculation of the maximum number of
16 hours under this subparagraph if the department
17 determines that adequate provision has been made for the
18 minor's education, supervision and welfare during such
19 intervals. The department may restrict the number of
20 hours which may be spent on call by the minor.

21 (iii) The department may waive restrictions
22 contained in this act and in any other act on the time of
23 day or night allowed for engaging in the employment
24 authorized by this paragraph if the department determines
25 that the waiver:

26 (A) is necessary to preserve the artistic
27 integrity of the motion picture or television
28 programming; and

29 (B) will not impair the educational instruction,
30 supervision, health or welfare of the minor.

1 (iv) An entertainment permit under this paragraph
2 shall be valid for up to six months.

3 (v) An entertainment permit under this paragraph
4 shall state that the minor for whom the entertainment
5 permit is issued may not be allowed on a set during nor
6 otherwise watch the filming or rehearsal for filming of a
7 sexual act.

8 (3) Expected rehearsal time and the hours of starting
9 and finishing the rehearsal must be set forth in the
10 application for an entertainment permit. The entertainment
11 permit issued shall state what rehearsal time is permissible.

12 (4) The application must comply with all of the
13 following:

14 (i) Be made on a form signed by the employer of the
15 minor and the parent or guardian of the minor.

16 (ii) Contain the seal of a notary public and a
17 statement that the facts as set forth in the application
18 are correct.

19 (iii) State what provisions are in effect to provide
20 for:

21 (A) the minor's educational instruction,
22 supervision, health and welfare; and

23 (B) safeguarding and conservation for the minor
24 of the money derived from performance.

25 (5) No entertainment permit shall be issued for a
26 performance if there is no adequate provision for the matters
27 set forth in paragraph (4)(iii).

28 (6) An appeal of a decision by the department under this
29 subsection must be made to the secretary. The secretary shall
30 hold a hearing on the appeal.

1 (7) An entertainment permit is not to be required for a
2 minor who participates in a nonprofit, educational,
3 theatrical production if all of the following apply:

4 (i) There is informed, written consent of the
5 minor's parent or guardian.

6 (ii) Participation is:

7 (A) for a period of no more than 14 consecutive
8 days; and

9 (B) not during school hours.

10 (iii) The minor receives no direct or indirect
11 remuneration.

12 (c) Conflicts.--Nothing in this section shall be construed
13 to supersede or repeal:

14 (1) any provision of this act unless an entertainment
15 permit is issued; or

16 (2) 18 Pa.C.S. § 5903 (relating to obscene and other
17 sexual materials and performances) or 6312 (relating to
18 sexual abuse of children).

19 Section 9. Minors serving in volunteer emergency service
20 organizations.

21 (a) General rule.--A minor at least 14 years of age who is a
22 member of a volunteer emergency service organization may
23 participate in training and emergency service activities except
24 as follows:

25 (1) A minor may not operate a truck, ambulance or other
26 official fire vehicle.

27 (2) A minor may not operate an aerial ladder, aerial
28 platform or hydraulic jack.

29 (3) A minor may not use rubber electrical gloves,
30 insulated wire gloves, insulated wire cutters, life nets or

1 acetylene cutting units.

2 (4) A minor may not operate the pump of a fire vehicle
3 while at the scene of a fire.

4 (5) A minor may not enter a burning structure.

5 (6) A minor may not engage in firefighting activities
6 unless all of the following apply:

7 (i) The minor is at least 16 years of age.

8 (ii) The minor has successfully completed a course
9 of training equal to the standards for basic firefighting
10 established by the Department of Education and the
11 Department of Conservation and Natural Resources.

12 (iii) The minor is under the direct supervision and
13 control of the fire chief, an experienced line officer or
14 a designated forest fire warden.

15 (b) Additional limitations for minors under 16 years of
16 age.--In addition to the limitations delineated in subsection
17 (a), the activities of minors over 13 years of age and under 16
18 years of age shall be further limited as follows:

19 (1) A minor over 13 years of age and under 16 years of
20 age shall only be permitted to perform the following
21 activities:

22 (i) Training.

23 (ii) First aid.

24 (iii) Cleanup service at the scene of a fire,
25 outside the structure and after the fire has been
26 declared by the fire official in charge to be under
27 control.

28 (iv) Assist a coffee wagon and food services.

29 (2) A minor over 13 years of age and under 16 years of
30 age may not do any of the following:

1 (i) Operate high pressure hose lines except during
2 training activities.

3 (ii) Ascend ladders except during training
4 activities.

5 (c) Other prohibited activities.--The department may
6 prohibit through regulation other activities that it deems
7 hazardous to the health of minors.

8 (d) Other provisions.--

9 (1) Except as set forth in this subsection, this section
10 does not supersede any other provision of this act or any
11 regulation promulgated under this act.

12 (2) A minor may continue serving in answer to a fire
13 call until excused by the individual acting as chief of the
14 fire company if the minor:

15 (i) is at least 16 years of age;

16 (ii) is a member of a volunteer fire company; and

17 (iii) answers a fire call while lawfully employed.

18 (3) A minor 14 or 15 years of age may perform the
19 training or firefighting activities permitted under this
20 section until 10 p.m. before a school day if the minor:

21 (i) is a member of a volunteer fire company; and

22 (ii) has the written consent of a parent or
23 guardian.

24 Section 10. Duties of employer.

25 (a) Work permits and parental authorization.--

26 (1) Except as set forth in subsection (e), unless a
27 minor has the items listed in paragraph (2), a minor may not
28 be employed or permitted to work:

29 (i) in, about or in connection with an
30 establishment; or

1 (ii) in an occupation.

2 (2) To be permitted to work under paragraph (1), a minor
3 must have all of the following:

4 (i) A work permit.

5 (ii) A written, notarized statement by the minor's
6 parent or guardian acknowledging understanding of the
7 duties and hours of employment and granting permission to
8 work.

9 (3) Before employing a minor, an employer shall do all
10 of the following:

11 (i) Verify work permit under paragraph (2)(i).

12 (ii) Receive the statement under paragraph (2)(ii).

13 (b) Notification.--The employer shall acknowledge to the
14 issuing official in writing the employment of a minor and shall
15 detail the normal duties and hours of employment within five
16 days after the beginning of employment and shall include the age
17 and permit number of the minor. On termination of employment of
18 a minor, the employer shall notify the issuing official within
19 five days of the final day of employment that the minor no
20 longer is employed by the employer.

21 (c) Posting requirement.--An employer shall post in a
22 conspicuous place in the establishment all of the following:

23 (1) A printed abstract of the sections of this act
24 relating to the hours of labor.

25 (2) A list of the minors employed in the establishment.

26 (3) A schedule of the hours of labor of the minors
27 listed in subparagraph (ii). The schedule of hours of labor
28 shall contain:

29 (i) the maximum number of hours each minor is
30 required or permitted to work on each day of the week;

1 (ii) the weekly total for each minor; and
2 (iii) the daily hours for commencing and stopping
3 work and for time allowed for meals.

4 (d) Records.--

5 (1) An employer shall maintain a record of minors at the
6 work site which contains, for each holder, a copy of the work
7 permit, the original notarized permission statement required
8 in subsection (a) and a copy of the letter sent to the
9 issuing official announcing the employment of the minor.

10 (2) An employer shall maintain records for employed
11 minors in compliance with the recordkeeping requirements of
12 the act of January 17, 1968 (P.L.11, No.5), known as The
13 Minimum Wage Act of 1968, and shall maintain accurate records
14 of the actual days, hours and times of day the minors worked,
15 including breaks.

16 (3) An employer shall provide an enforcement officer
17 with access to records kept under this subsection.

18 (e) Exception.--This section does not apply to a minor over
19 16 years of age engaged in the distribution, sale or offering
20 for sale of any newspaper, magazine, periodical or other
21 publication.

22 Section 11. Work permit.

23 (a) Form and content.--

24 (1) A work permit shall be issued on a wallet-sized form
25 prescribed by the department. The certificate shall contain
26 the following information related to the holder:

27 (i) Name.

28 (ii) Sex.

29 (iii) Date and place of birth.

30 (iv) Place of residence.

1 (v) Color of hair and eyes.

2 (vi) Any distinguishing physical characteristics or
3 physical limitation.

4 (2) The work permit shall certify that:

5 (i) the holder has personally appeared before the
6 issuing officer and has been examined;

7 (ii) all papers required by law have been examined,
8 approved and filed; and

9 (iii) all conditions and requirements for issuing a
10 permit have been fulfilled.

11 (3) The work permit shall be signed, in the presence of
12 the issuing officer, by the holder.

13 (4) The work permit shall bear a number, the date of
14 issuance and the signature of the issuing officer.

15 (b) Application.--

16 (1) Documentation.--

17 (i) Except as set forth in subparagraph (ii),
18 application for a work permit must be verified as
19 follows:

20 (A) The applicant's parent or guardian must sign
21 the application.

22 (B) In lieu of a signature under clause (A), the
23 applicant may execute a statement before a notary
24 public or other person authorized to administer oaths
25 attesting to the accuracy of the facts set forth in
26 the application on a form prescribed by the
27 department. The statement shall be attached to the
28 application.

29 (ii) Subparagraph (i) does not apply if the
30 applicant can demonstrate official proof of high school

1 graduation.

2 (2) Examination.--

3 (i) Except as set forth in paragraph (ii), a work
4 permit shall not be issued until the applicant has
5 personally appeared before and been examined by the
6 issuing officer.

7 (ii) Subparagraph (i) does not apply if the
8 applicant can demonstrate official proof of high school
9 graduation.

10 (3) Documentation.--The issuing officer shall not issue
11 a work permit until the issuing officer has received,
12 examined, approved and filed the following papers which
13 verify the minor's age:

14 (i) If proof of age is an official document or
15 record of the Commonwealth or government of another state
16 or governmental subdivision of another state, it need not
17 be filed if the issuing officer records the information
18 necessary to enable the document or record to be located
19 at the place where it is filed. If proof of age is other
20 than an official document or record of the Commonwealth
21 or government of another state or governmental
22 subdivision of another state, the following is the order
23 of preference for acceptable proof under this
24 subparagraph:

25 (A) An attested transcript of the birth
26 certificate, filed according to law with a register
27 of vital statistics or other officer charged with the
28 duty of recording birth.

29 (B) A certified baptismal certificate or
30 transcript of the record of baptism showing the date

1 of birth.

2 (C) A passport showing the age of immigrant.

3 (D) Any certified documentary record of age
4 other than a school record or an affidavit of age,
5 which appears to the satisfaction of the issuing
6 officer to be sufficient evidence of age.

7 (E) The signed statement of a physician,
8 approved by the board of school directors, stating
9 that, after examination, it is the opinion of the
10 physician that the applicant has attained the age
11 required by the law for the occupation in which the
12 minor expects to engage. The statement must be
13 accompanied by an affidavit signed by the applicant's
14 parent or guardian or, if there is no parent or
15 guardian, by the applicant's next friend and
16 certifying to the name, date and place of birth of
17 the applicant and that the individual signing the
18 statement is unable to produce any of the proofs of
19 age specified in clauses (A) through (D).

20 (ii) (Reserved).

21 (d) Issuance.--If all application requirements are met, a
22 work permit shall be issued by an issuing officer unless it is
23 the issuing officer's judgment that the minor cannot maintain
24 adequate academic achievement if permitted to work during the
25 school year.

26 (e) Revocation.--An issuing officer may revoke a work permit
27 if it is the issuing officer's judgment that the minor cannot
28 maintain adequate academic achievement if permitted to work
29 during the school year.

30 Section 12. Administration.

1 (a) Duties of department.--The department has the following
2 powers and duties:

3 (1) Prescribe the forms necessary to implement this act.

4 (2) Promulgate regulations to administer this act which
5 are as consistent as possible with the regulations
6 promulgated under the Fair Labor Standards Act. Regulations
7 under this paragraph may establish a procedure for an
8 employer that is not subject to the Fair Labor Standards Act
9 to receive an extension until 10 p.m. of the 9 p.m. time
10 limitation under section 6(b)(1) (relating to employment of
11 minors under 16 years of age). An extension granted under
12 this procedure shall specify that the extension does not
13 apply to Federal enforcement or administration of the Fair
14 Labor Standards Act.

15 (3) Provide copies of this act and blank forms for
16 compliance with its provisions to employers and prospective
17 employers.

18 (b) Secretary.--For the enforcement of this act, the
19 secretary or a designee has investigatory subpoena power and the
20 duty to issue a subpoena upon application of an attorney of the
21 Office of General Counsel assigned to the department.
22 Application may be made to the Commonwealth Court to enforce a
23 subpoena. Nothing in this section shall be construed to excuse a
24 person from producing documents and records as requested by the
25 department under any other provision of law.

26 (c) Duties of Department of Education.--The Department of
27 Education shall distribute to school districts all forms
28 necessary for the enforcement of this act.

29 (d) Duties of school districts.--School districts shall
30 administer applications and issuance of work permits pursuant to

1 section 11 (relating to work permit) and may initiate
2 enforcement actions under subsection (e).

3 (e) Enforcement.--Enforcement officers may initiate
4 prosecution for violations of this act.

5 (f) Suspected violations of age requirements.--

6 (1) If an enforcement officer has reason to believe that
7 an individual working without a work permit is a minor or
8 that a minor with a work permit is working in violation of
9 the age restrictions set forth in this act, the officer may
10 demand that the person employing the individual within ten
11 days:

12 (i) furnish to the officer proof of age; or

13 (ii) cease to employ or permit the individual to
14 work.

15 (2) Proof of a demand under paragraph (1) and of failure
16 to comply with paragraph (1)(i) constitutes prima facie
17 evidence of the illegal employment of a minor.

18 (3) Compliance with paragraph (1)(ii) does not relieve a
19 person from liability under section 13 (relating to
20 penalties).

21 Section 13. Penalties.

22 (a) Criminal.--

23 (1) A person may not do any of the following:

24 (i) Intentionally violate this act.

25 (ii) Interfere with the functions of an enforcement
26 officer.

27 (iii) Compel or permit a minor to violate this act.

28 (iv) Fail, after notice, to provide records under
29 section 10(d)(3) (relating to duties of employer) or
30 12(b) (relating to administration).

1 (v) Falsify records under this act.

2 (2) Except as set forth in paragraph (3), a person that
3 violates paragraph (1) commits a summary offense and shall,
4 upon conviction, be sentenced to pay a fine of not less than
5 \$250 nor more than \$500 for each violation.

6 (3) A person that, after being sentenced under paragraph
7 (2), violates paragraph (1) commits a summary offense and
8 shall, upon conviction, be sentenced to pay a fine of not
9 less than \$750 nor more than \$1,500 for each violation or to
10 imprisonment for not more than ten days, or both.

11 (b) Administrative penalties.--

12 (1) Except as set forth in paragraph (2) or subsection
13 (c), the department may impose an administrative penalty of
14 not less than \$100 nor more than \$1,000 for each violation of
15 this act.

16 (2) The department may not impose a penalty under this
17 subsection on a person if the person has been sentenced under
18 subsection (a) for an offense arising out of the same conduct
19 which would give rise to a penalty under this subsection.

20 (3) This subsection is subject to 2 Pa.C.S. Chs. 5
21 Subch. A (relating to practice and procedure of Commonwealth
22 agencies) and 7 Subch. A (relating to judicial review of
23 Commonwealth agency action).

24 (c) Multiple prosecution.--Imposition of a criminal, civil
25 or administrative penalty under the Fair Labor Standards Act
26 shall bar prosecution under subsection (a) and imposition of an
27 administrative penalty under subsection (b) if the same conduct
28 constitutes the basis of the Federal action and the basis of the
29 prosecution under subsection (a) or the administrative penalty
30 under subsection (b).

1 Section 14. Employment of minors in student-learner and
2 apprenticeship programs.

3 A minor may be employed in a work experience and career
4 exploration program, an apprenticeship program and a school-to-
5 work program, to the extent permitted by regulations promulgated
6 under this act and not prohibited by the Fair Labor Standards
7 Act.

8 Section 15. Applicability.

9 (a) Domestic service.--This act shall not apply to the
10 employment of a minor in domestic service in or around private
11 homes.

12 (b) Agricultural employment.--Agricultural employment which
13 is exempt from coverage of the child labor provisions of the
14 Fair Labor Standards Act shall be exempt from coverage of this
15 act.

16 Section 29. Repeal.

17 The act of May 13, 1915 (P.L.286, No.177), known as the Child
18 Labor Law, is repealed.

19 Section 30. Effective date.

20 This act shall take effect January 1, 2006.